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C O N F I D E N T I A L LUSAKA 001602

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TAGS: [PGOV](#) [PINR](#) [ZA](#)
SUBJECT: NEW ATTORNEY GENERAL ANNOUNCED

REF: A. LUSAKA 1407

[1](#)B. 05 LUSAKA 1612

Classified By: Ambassador Carmen Martinez for reasons 1.4 (b) and (d).

[1](#)1. (SBU) SUMMARY. President Mwanawasa has appointed Zambia's Human Rights Commission (HRC) Chairman Mumba Malila to the office of Attorney General, a position that until now was held concurrently by Minister of Justice George Kunda. Malila's nomination received widespread support, based on his professional qualifications and the perception that he is not a typical Movement for Multi-Party Democracy (MMD) party loyalist, but rather an outsider capable of exercising independent judgment. END SUMMARY.

[1](#)2. (C) Following his re-election and the naming of his cabinet last October, President Mwanawasa announced his intention to nominate someone to replace Justice Minister Kunda as Attorney General in response to "public demands." The appointment of Malila, ratified by Parliament on November 16, is a departure from the common practice of combining the two offices of Minister of Justice and Attorney General. A well-informed Embassy contact confided to P/E Officer that the President was unhappy with "problems" that had occurred when Minister Kunda had served as Attorney General, referring to Kunda's interference with the prosecution of court cases, including that of Kashiwa Bulaya (Refs A, B). Civic organizations, including the Law Association of Zambia, welcomed the selection, which they believe will grant the office of the Attorney General greater independence and efficacy.

[1](#)3. (SBU) Malila reportedly received unanimous parliamentary approval and strong recommendations from the Anti-Corruption Commission, the Drug Enforcement Commission, and Transparency International. This may be due to Malila's professional qualifications and his reputation for championing various human rights causes in Zambia. It may also be due to the perception that Malila is not the typical MMD loyalist, but rather an outsider who will be able to exercise independent judgment.

[1](#)4. (SBU) Malila, born on April 16, 1964, is a Cambridge-educated lawyer, known to the Embassy in his former role as Chairman of Zambia's Human Rights Commission (HRC), a position he held part-time while running his private law firm. As HRC Chairman, he was considered committed and adept. He expanded the HRC by opening up a new office in Livingstone, but his ability to distinguish himself or elevate the role of the HRC was limited by the HRC's lack of resources.

[1](#)5. (U) In 2002, Malila worked with USAID in his capacity as Secretary of the Law Association of Zambia (a USAID democracy

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and governance program grantee) to draft legislation for alternative dispute resolution. Prior to his appointment,

Malila was Commissioner and Special Rapporteur of Prisons and Conditions of Detention on the African Commission on Human and People's Rights (ACHPR). Malila has also served as Vice-President of the Human Rights Association of Zambia. Although Malila said that he would resign from his duties at the HRC and ACHPR, the parliamentary selection committee recommended that Malila be allowed to continue as an ACHPR commissioner on the grounds that Zambia should not give up its seat.

MARTINEZ